

Suspend the Rules and Pass the Bill, HR. 3521, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

113TH CONGRESS
1ST SESSION

H. R. 3521

To authorize Department of Veterans Affairs major medical facility leases,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2013

Mr. MILLER of Florida introduced the following bill; which was referred to
the Committee on Veterans' Affairs

A BILL

To authorize Department of Veterans Affairs major medical
facility leases, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Vet-
5 erans Affairs Major Medical Facility Lease Authorization
6 Act of 2013”.

1 **SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
2 **LEASES.**

3 The Secretary of Veterans Affairs may carry out the
4 following major medical facility leases at the locations
5 specified, and in an amount for each lease not to exceed
6 the amount shown for such location (not including any es-
7 timated cancellation costs):

8 (1) For a clinical research and pharmacy co-
9 ordinating center, Albuquerque, New Mexico, an
10 amount not to exceed \$9,560,000.

11 (2) For a community-based outpatient clinic,
12 Brick, New Jersey, an amount not to exceed
13 \$7,280,000.

14 (3) For a new primary care and dental clinic
15 annex, Charleston, South Carolina, an amount not
16 to exceed \$7,070,250.

17 (4) For the Cobb County community-based
18 Outpatient Clinic, Cobb County, Georgia, an amount
19 not to exceed \$6,409,000.

20 (5) For the Leeward Outpatient Healthcare Ac-
21 cess Center, Honolulu, Hawaii, including a co-lo-
22 cated clinic with the Department of Defense and the
23 co-location of the Honolulu Regional Office of the
24 Veterans Benefits Administration and the Kapolei
25 Vet Center of the Department of Veterans Affairs,
26 an amount not to exceed \$15,887,370.

1 (6) For a community-based outpatient clinic,
2 Johnson County, Kansas, an amount not to exceed
3 \$2,263,000.

4 (7) For a replacement community-based out-
5 patient clinic, Lafayette, Louisiana, an amount not
6 to exceed \$2,996,000.

7 (8) For a community-based outpatient clinic,
8 Lake Charles, Louisiana, an amount not to exceed
9 \$2,626,000.

10 (9) For outpatient clinic consolidation, New
11 Port Richey, Florida, an amount not to exceed
12 \$11,927,000.

13 (10) For an outpatient clinic, Ponce, Puerto
14 Rico, an amount not to exceed \$11,535,000.

15 (11) For lease consolidation, San Antonio,
16 Texas, an amount not to exceed \$19,426,000.

17 (12) For a community-based outpatient clinic,
18 San Diego, California, an amount not to exceed
19 \$11,946,100.

20 (13) For an outpatient clinic, Tyler, Texas, an
21 amount not to exceed \$4,327,000.

22 (14) For the Errera Community Care Center,
23 West Haven, Connecticut, an amount not to exceed
24 \$4,883,000.

1 (15) For the Worcester community-based Out-
2 patient Clinic, Worcester, Massachusetts, an amount
3 not to exceed \$4,855,000.

4 (16) For the expansion of a community-based
5 outpatient clinic, Cape Girardeau, Missouri, an
6 amount not to exceed \$4,232,060.

7 (17) For a multispecialty clinic, Chattanooga,
8 Tennessee, an amount not to exceed \$7,069,000.

9 (18) For the expansion of a community-based
10 outpatient clinic, Chico, California, an amount not to
11 exceed \$4,534,000.

12 (19) For a community-based outpatient clinic,
13 Chula Vista, California, an amount not to exceed
14 \$3,714,000.

15 (20) For a new research lease, Hines, Illinois,
16 an amount not to exceed \$22,032,000.

17 (21) For a replacement research lease, Hous-
18 ton, Texas, an amount not to exceed \$6,142,000.

19 (22) For a community-based outpatient clinic,
20 Lincoln, Nebraska, an amount not to exceed
21 \$7,178,400.

22 (23) For a community-based outpatient clinic,
23 Lubbock, Texas, an amount not to exceed
24 \$8,554,000.

1 (24) For a community-based outpatient clinic
2 consolidation, Myrtle Beach, South Carolina, an
3 amount not to exceed \$8,022,000.

4 (25) For a community-based outpatient clinic,
5 Phoenix, Arizona, an amount not to exceed
6 \$20,757,000.

7 (26) For the expansion of a community-based
8 outpatient clinic, Redding, California, an amount not
9 to exceed \$8,154,000.

10 (27) For the expansion of a community-based
11 outpatient clinic, Tulsa, Oklahoma, an amount not
12 to exceed \$13,269,200.

13 **SEC. 3. BUDGETARY TREATMENT OF DEPARTMENT OF VET-**
14 **ERANS AFFAIRS MAJOR MEDICAL FACILITIES**
15 **LEASES.**

16 (a) FINDINGS.—Congress finds the following:

17 (1) Title 31, United States Code, requires the
18 Department of Veterans Affairs to record the full
19 cost of its contractual obligation against funds avail-
20 able at the time a contract is executed.

21 (2) Office of Management and Budget Circular
22 A–11 provides guidance to agencies in meeting the
23 statutory requirements under title 31, United States
24 Code, with respect to leases.

1 (3) For operating leases, Office of Management
2 and Budget Circular A–11 requires the Department
3 of Veterans Affairs to record up-front budget au-
4 thority in an “amount equal to total payments under
5 the full term of the lease or [an] amount sufficient
6 to cover first year lease payments plus cancellation
7 costs”.

8 (b) REQUIREMENT FOR OBLIGATION OF FULL
9 COST.—Subject to the availability of appropriations pro-
10 vided in advance, in exercising the authority of the Sec-
11 retary of Veterans Affairs to enter into leases provided
12 in this Act, the Secretary shall record, pursuant to section
13 1501 of title 31, United States Code, as the full cost of
14 the contractual obligation at the time a contract is exe-
15 cuted either—

16 (1) an amount equal to total payments under
17 the full term of the lease; or

18 (2) if the lease specifies payments to be made
19 in the event the lease is terminated before its full
20 term, an amount sufficient to cover the first year
21 lease payments plus the specified cancellation costs.

22 (c) TRANSPARENCY.—

23 (1) COMPLIANCE.—Subsection (b) of section
24 8104 of title 38, United States Code, is amended by
25 adding at the end the following new paragraph:

1 “(7) In the case of a prospectus proposing
2 funding for a major medical facility lease, a detailed
3 analysis of how the lease is expected to comply with
4 Office of Management and Budget Circular A-11
5 and section 1341 of title 31 (commonly referred to
6 as the ‘Anti-Deficiency Act’). Any such analysis shall
7 include—

8 “(A) an analysis of the classification of the
9 lease as a ‘lease-purchase’, ‘capital lease’, or
10 ‘operating lease’ as those terms are defined in
11 Office of Management and Budget Circular A-
12 11;

13 “(B) an analysis of the obligation of budg-
14 etary resources associated with the lease; and

15 “(C) an analysis of the methodology used
16 in determining the asset cost, fair market value,
17 and cancellation costs of the lease.”.

18 (2) SUBMITTAL TO CONGRESS.—Such section
19 8104 is further amended by adding at the end the
20 following new subsection:

21 “(h)(1) Not less than 30 days before entering into
22 a major medical facility lease, the Secretary shall submit
23 to the Committees on Veterans’ Affairs of the Senate and
24 the House of Representatives—

1 “(A) notice of the Secretary’s intention to enter
2 into the lease;

3 “(B) a copy of the proposed lease;

4 “(C) a description and analysis of any dif-
5 ferences between the prospectus submitted pursuant
6 to subsection (b) and the proposed lease; and

7 “(D) a scoring analysis demonstrating that the
8 proposed lease fully complies with Office of Manage-
9 ment and Budget Circular A–11.

10 “(2) Each committee described in paragraph (1) shall
11 ensure that any information submitted to the committee
12 under such paragraph is treated by the committee with
13 the same level of confidentiality as is required by law of
14 the Secretary and subject to the same statutory penalties
15 for unauthorized disclosure or use as the Secretary.

16 “(3) Not more than 30 days after entering into a
17 major medical facility lease, the Secretary shall submit to
18 each committee described in paragraph (1) a report on
19 any material differences between the lease that was en-
20 tered into and the proposed lease described under such
21 paragraph, including how the lease that was entered into
22 changes the previously submitted scoring analysis de-
23 scribed in subparagraph (D) of such paragraph.”.

24 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion, or the amendments made by this section, shall be

1 construed to in any way relieve the Department of Vet-
2 erans Affairs from any statutory or regulatory obligations
3 or requirements existing prior to the enactment of this
4 section and such amendments.

5 **SEC. 4. BUDGETARY EFFECTS OF THIS ACT.**

6 The budgetary effects of this Act, for the purpose of
7 complying with the Statutory Pay-As-You-Go Act of 2010,
8 shall be determined by reference to the latest statement
9 titled “Budgetary Effects of PAYGO Legislation” for this
10 Act, submitted for printing in the Congressional Record
11 by the Chairman of the Committee on the Budget of the
12 House of Representatives, as long as such statement has
13 been submitted prior to the vote on passage of this Act.